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C O N F I D E N T I A L RANGOON 001432

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TREASURY FOR OASIA JEFF NEIL
USPACOM FOR FPA

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SUBJECT: PINHEIRO'S DOWNBEAT DEPARTURE

REF: RANGOON 1431

Classified By: COM CARMEN M. MARTINEZ for Reasons 1.5 (B,D)

11. (C) SUMMARY: Pinheiro gave a downbeat assessment to the diplomatic corps of his visit this week to Burma. He repeated most of his themes from his November 6 meeting at the COM's residence (reftel), and he was obviously restraining himself from showing his true level of frustration with the regime. Pinheiro privately told the COM that he will give a much harsher critique of his visit when he reaches Bangkok. END SUMMARY.

12. (C) Regarding the SPDC's total failure to grant any of his goals on this visit, UN Special Rapporteur of the Commission on Human Rights, Paulo Sergio Pinheiro, very carefully announced to the well represented Rangoon diplomatic corps that the SPDC "did not refuse" his six appeals. He related how he told the SPDC that they cannot count on his seal of approval in the UN without including civil and political rights in their roadmap process, and that his credibility will disappear unless they make significant prisoner releases. Pinheiro said he had warned the SPDC that he will have to pursue his Shan rapes investigation externally if they don't cooperate with him, and that it will be the SPDC's fault if it happens that way.

13. (C) Pinheiro confirmed that 136 NLD members had been arrested since May 30, and that of those 101 had been released and 35 were still being held. He also confirmed that Aung San Suu Kyi was not being held under any provision of the security laws, though inexplicably the eight elderly CEC members are.

14. (C) Regarding the roadmap, Pinheiro said he'd told the SPDC he is not a facilitator for the political process, but the authorities can't have political success without the inclusion of basic political freedoms. After all of his meetings with the SPDC and Government ministers, he concluded that for the SPDC, the 1990 elections "are completely off the radar." Though Prime Minister General Khin Nyunt told Pinheiro that the NLD can join in one of the eight groups of "farmer's," "worker's," and "politician's" delegates that will participate in the National Convention, Pinheiro told the diplomats that there is apparently no inclusion of the NLD in the process.

15. (C) Finally, Pinheiro announced that he proposed to the authorities that they should release immediately, by November 12 at the latest, the 35 remaining May 30 NLD prisoners as well as the 8 CEC members under house arrest, since "they pose no danger to you." He also had told the authorities he had a clear picture of the events surrounding Depeyin and that he will mention it in his speech at the UN. (Note: A strong hint regarding the NLD video, digital pictures, and survivor testimonies provided by the Embassy. See reftel). End note.) He closed by saying he hoped the "roadmap" didn't become a "roadblock" like in other parts of the world. If the SPDC "wants to play, then OK." But, in Pinheiro's opinion, they have to implement basic human rights into the process or it won't work.
Martinez